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ABSTRACT

The No Child Left Behind Act (NCLB) has made substantial changes to the Elementary and Secondary Education Act (ESEA). These changes range from new assessment and accountability provisions in Title I that affect states, school districts, and schools to increased flexibility in use of funds for several programs, including the ability to consolidate funds from certain programs at both state and local levels. Implementing these changes poses difficult challenges for school officials at all levels. The purpose of this paper is to help educational leaders in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas gain increased knowledge of these challenges through increased understanding of the main changes in the law, and of the current situation in the states concerning the new provisions. The scope of the NCLB covers many programs and topics, and contains themes including standards, assessment, and accountability; improving teacher quality; increasing options for parents; flexibility for states, school districts, and schools; and increased attention to literacy. This paper is organized around these themes, along with the use of scientifically based research. Two appendices contain definitions of "highly qualified teacher" and "scientifically based research." (RT)

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Implications of the No Child Left Behind Act for States in the Southwestern Region

POLICY BRIEF

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Implications of the No Child Left Behind Act for States in the Southwestern Region

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INTRODUCTION

The No Child Left Behind Act (NCLBA) has made substantial changes to the Elementary and Secondary Education Act (ESEA). These changes range from new assessment and accountability provisions in Title I that affect states, school districts, and schools to increased flexibility in use of funds for several programs, including the ability to consolidate funds from certain programs at both state and local levels. Implementing these changes poses significant challenges for school officials at all levels. Perhaps the most difficult challenges will be meeting the new accountability requirements in Title I and the provisions in titles I and II related to teacher quality.

The purpose of this paper is to help educational leaders in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas gain increased knowledge of those challenges through:

- increased understanding of the main changes in the law, and
- increased understanding of the current situation in the states concerning the new provisions.

It is most important to keep in mind the purpose of the new legislation, stated in its title—the No Child Left Behind Act. This paper discusses how implementing the NCLBA can improve the education of our most needy students. While states, districts, and schools have made progress toward having all children reach high levels of achievement, the new law provides an opportunity to do much more and challenges us to do so.

The vast scope of the NCLBA covers many programs and topics. It also contains major themes that the U.S. Department of Education (ED) has described in documents it has issued concerning the act. The themes are as follows:

- Standards, assessment, and accountability;
- Improving teacher quality;
- Increasing options for parents;
- Flexibility for states, school districts, and schools; and
- Increased attention to literacy.

For a more detailed discussion of the NCLBA, visit the U.S. Department of Education Web site at http://www.ed.gov and click on "No Child Left Behind."

This paper is organized around those themes, along with an additional one—the use of scientifically based research, mentioned prominently in the statute. According to the assistant secretary for elementary and secondary education, the term appears 116 times in the act. This holds long-term implications for states, districts, and schools in the use of federal funds and school reform in general.

This paper discusses many, but not all, of the major changes that the No Child Left Behind Act makes to the Elementary and Secondary Education Act, and a few of the less major but still important ones. For a more detailed discussion of the NCLBA, visit the U.S. Department of Education Web site at http://www.ed.gov and click on "No Child Left Behind." ED has provided a program-by-program summary that readers will find useful. The entire text of the act may be found there as well as other information ED has made and will make available.

Standards, Assessment, and Accountability

Perhaps the most significant changes the NCLBA made to the ESEA occur in the sections of Title I dealing with standards, assessment, and accountability. These changes expand requirements included in the 1994 version of the ESEA[1] and call for stricter accountability in terms of improved student performance. Meeting the additional requirements will be challenging, especially in light of the difficulty most states have had in meeting the assessment and accountability requirements contained in the 1994 amendments of the ESEA. As of February 27, 2002, only 17 states had obtained full approval of their standards, assessment, and accountability required under the ESEA by ED.

Standards

The major change to provisions regarding standards involves achievement in science. While in the past, the ESEA encouraged states to develop standards in all academic subjects, and most states have done so, for Title I purposes the former law required standards be met only for reading/language arts and mathematics. The NCLBA requires that academic content and achievement standards in science be in place by school year 2005–2006. Since states in the Southwest Educational Development Laboratory (SEDL) region already have science standards,[2] this new provision does not necessarily require additional development. However, states may wish to review current standards in all three academic areas to determine if the standards are sufficiently rigorous and that levels of achievement in them can be adequately measured.

The NCLBA has two imperatives concerning the comprehensive content of the curriculum and instruction in Title I schools. The first requires the addition of science standards in those schools. The second ensures that children in Title I schools receive all the content provided to children in schools in the same districts and in the state. In their Title I plans, states must describe strategies for teaching children in Title I schools the same content in subject areas (including subjects other than reading/language arts, mathematics, and science) that children in other schools receive. This challenge is consistent with comprehensive reform efforts that stress the need to improve the achievement of *all* students in all academic areas. While this has been the ultimate goal of Title I in the past, operationally the program has focused on reading and, to a lesser extent, mathematics.

In their Title I plans, states must describe strategies for teaching children in Title I schools the same content in subject areas (including subjects other than reading/language arts, mathematics, and science) that children in other schools receive.

Assessment

There are several major changes in assessment requirements. While a great deal of attention has been paid to the expansion in the number of grades in which children must be assessed, other important changes exist as well. Although many states already carry out assessments in all or many of the grades included in the required additions, the other provisions may be more difficult for states, school districts, and schools to implement. Following is a list of the major changes:

- State assessments must be administered to all students in all public schools in the state, not just to students in schools participating in Title I. Since this is common practice, it should not pose a major problem.
- Beginning with the 2005–2006 school year, states must assess all children in reading/language arts and mathematics in grades 3 through 8, as well as during one year in the 10th- through 12th-grade span.
- Beginning with the 2007–2008 school year, science assessments must be administered to all children in at least one grade in each of the following grade spans: 3 through 5, 6 through 9, and 10 through 12.

Testing Policies in the SEDL Region

STATE	CRITERION-REFERENCED OR STANDARDS-BASED TESTS	NORM-REFERENCED TESTS
Arkansas	Reading and Writing Literacy, Mathematics (Grades 4, 6, 8); Geometry and Algebra I end-of-course tests upon course completion; Literacy (Grade 11)	Reading and Writing, Mathematics (Grades 5, 7, 10)
Louisiana	English/Language Arts, Mathematics, Science, and Social Studies (Grades 4, 8)	Iowa Test of Basic Skills: Reading, Language, Mathematics, Social Studies, Science (Grades 3, 5, 6, 7); Iowa Test of Educational Development Literacy, Social Studies, Science (Grade 9)
New Mexico	Writing (Grades 4, 6); Competency Exam (Grade 10) covers Reading, Writing, Language Arts, Mathematics, Social Studies, and Science	Comprehensive Test of Basic Skills/Terra Nova: English/Language Arts, Mathematics (Grades 3-9)
Oklahoma	Reading, Writing, Mathematics, Science, U.S. History, Geography, and the Arts (Grades 5,8); at the high school level, end-of-course tests for English II, U.S. History, Algebra I, and Biology I	Iowa Test of Basic Skills: Reading, Language, and Mathematics (Grade 3)
Texas	Beginning in 2003, Texas' new standardized test, the Texas Assessment of Knowledge & Skills (TAKS), will be in place. Tests will be administered as follows: Reading (Grades 3-9); Writing (Grades 4, 5); English/Language Arts (Grades 10, 11); Mathematics (Grades 3-11); Science (Grades 5, 10, 11); Social Studies (Grades 8, 10, 11)	

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- At least 95 percent of all children and of each subgroup in the state, its districts, and each of its schools shall participate in the state assessment. Subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. While disaggregation was required for final assessments under the 1994 amendments, the 95 percent standard is new. In addition, gathering data on which students are economically disadvantaged may pose a special problem, particularly for secondary schools. Students who may be eligible for free or reduced-price lunches, the measure typically used by school districts to determine economic status, often do not participate in it. Failure to properly identify these students will skew results and might result in showing less difference between economically disadvantaged students and their more advantaged peers than really exists.

- Results must be disaggregated, down to the school level, for each subgroup.

- Results must be reported in terms of proficiency levels.

- To gauge the relative rigor of the state assessments, states are required to participate in the National Assessment of Educational Progress, as long as the federal government pays the cost of participation.

- Reading assessments in English are required for any student who has attended schools in the United States (excluding Puerto Rico) for three or more consecutive years, with some exceptions on a case-by-case basis.

- States are required to annually assess the English proficiency of all limited-English-proficient students, beginning with the 2002–2003 school year.

At least 95 percent of all children and of each subgroup in the state shall participate in the state assessment. Gathering data on which students are economically disadvantaged may be difficult, particularly for secondary schools, because students who are eligible for free or reduced-price lunches often do not participate.

Before issuing regulations regarding assessments, ED is required to enter into negotiated rulemaking with constituent groups and, before negotiation, to issue a draft of possible rules. In this draft, ED has indicated that, to meet the requirement, states may either use a single state assessment

or a combination of state and local assessments. In the latter case, results from the various assessments must be equivalent in rigor and must allow for the results of the various assessments to be added together to provide state totals. Ensuring that different assessments yield similar results in measuring progress toward meeting state standards and allowing for state aggregation are difficult processes. At the conclusion of the negotiated rulemaking process, this interpretation of the assessment provisions of the act was maintained. However, that is not the end of the rulemaking procedure. It is not clear if the final regulations, scheduled for issuance in August 2002, will reflect this position.

The changes in the ESEA concerning accountability are designed to impact school operations.

Accountability

The changes in the ESEA concerning accountability are even more significant than those concerning assessments. Acting in concert with the assessment system described, they are designed to substantially impact school operation, especially for schools and districts in which students continually fail to improve in academic performance. Following is a summary of the most important provisions:

For the state:

- The state must establish what constitutes proficiency on state assessments and set a deadline, no later than 2014, when all students in the state are to reach it.

- Consistent with the deadline of 2014, the state must set adequate yearly progress that the state, school districts, and schools will have to make to ensure the deadline is met. Because of different starting points, different rates of progress will have to be set for each subgroup discussed above. Adequate yearly progress will be based primarily on the state assessment, but will include at least one other indicator. For secondary schools, the additional indicator will be graduation rates. For elementary schools, the state may select the additional indicator. Beyond these required indicators, states may add others but are not required to do so.

- The state must establish a system for rewards and sanctions to hold all districts and schools accountable for making adequate yearly progress.

- When districts fail to make adequate yearly progress two years in a row, the state must require them to develop and implement an improvement plan, with the state providing technical assistance. The plan must:

  1. incorporate scientifically based research strategies;
  2. identify actions most likely to improve academic performance;
  3. address professional development needs, including specific measurable achievement goals for each group of students;
  4. address fundamental teaching and learning needs in the district's schools;
  5. incorporate appropriate extended school day or year activities;
  6. stipulate specific state and local responsibilities under the plan; and
  7. include strategies for effective parental involvement.

  These districts are identified as "in need of improvement."

- If the district is still not making adequate yearly progress two years after the plan has been in place, the state must institute corrective actions. These include allowing students in the district to transfer to higher-performing schools in another district, providing the transportation, and completing at least one additional action specified in the act. The actions are withholding funds, instituting a new curriculum, replacing district personnel relevant to the failure, removing particular schools from the district's jurisdiction and providing an alternative governance arrangement, appointing a trustee to run the district, or abolishing or restructuring the district. Districts in this category are labeled "districts identified as in need of corrective actions."

If the district is still not making adequate yearly progress two years after the plan has been in place, the state must institute corrective actions.

- The state must establish and maintain a list of eligible providers of supplemental services. These providers will be able to offer extra services to children in schools that fail to make adequate yearly progress for three consecutive years.

- The state must issue a report card to each district containing information on student achievement with regard to proficiency levels, teacher qualifications, and other specified information for that district.

To make adequate yearly progress, each subgroup, not just the overall school population, must generally meet its target for improvement.

For the district:

- The district must monitor the progress of each school receiving Title I funds in terms of the school's specified adequate yearly progress.

- When schools fail to make adequate yearly progress for two consecutive years, the district must require them to develop a school improvement plan and allow students in the school to transfer to other schools in the district, using Title I funds to pay transportation costs. Note that to make adequate yearly progress, each subgroup, not just the overall school population, must generally meet its target for improvement.

- If the school fails to make adequate progress for a third consecutive year, the district, in addition to allowing its students to transfer, must offer those students the option of receiving supplemental services from a state-approved provider, with certain Title I funds used to provide the services.

- When schools fail to make progress for more years, the district is required to take additional and more stringent corrective actions. After four years, for instance, the corrective actions may include instituting a new curriculum and related professional development that offer substantial promise of improving the performance of low-achieving children.

- The district must issue to each school a report card containing information on the student performance in each school with

> regard to the proficiency levels, schools identified for school improvement, individual school results compared to district and state results, teacher qualifications, and other specified material for each school.

As noted earlier, the provisions regarding assessments, as well as those related to adequate yearly progress, apply to all public schools in each state. The provisions regarding school improvement and corrective actions apply to districts and schools that participate in Title I. For districts participating in Title I (virtually every district in each state), all accountability provisions will apply. At the school level, school improvement and corrective actions apply only to participating Title I schools.

The provisions regarding school improvement and corrective actions apply to districts and schools that participate in Title I.

Many people have expressed concern that these new requirements will result in too many schools being identified for improvement. For example, in SEDL's region, Cecil Picard, the state superintendent for Louisiana, has estimated that up to 80 percent of the state's schools will be identified for improvement or corrective actions in the first few years of implementing the No Child Left Behind Act. Until the U.S. Department of Education issues regulations on the matter of adequate yearly progress, it is not possible to make a final determination. However, virtually all estimates made based solely on the language in the statute have resulted in large numbers of schools being identified as needing improvement or corrective actions.

Improving Teacher Quality

The NCLBA addresses educator quality primarily through:

- new accountability provisions related to highly qualified teachers that are also included in Title I accountability provisions, and
- a revised Title II program that provides grants to improve teacher quality and increase the number of highly qualified teachers.

Accountability Provisions

- States must develop plans to ensure all teachers of core academic subjects are highly qualified by the end of the 2005–2006 school year. While standards determining whether a teacher is highly qualified differ among grade spans and between teachers new to the profession and those already teaching, there are common elements. First, all teachers must meet state certification requirements, including obtaining certification through alternative routes. This does not include teachers who had certification requirements waived on an emergency, temporary, or provisional basis. Second, teachers must demonstrate competency in the academic subjects they teach. How the demonstration is made is particular to the categories described above. (The complete definition of "Highly Qualified Teacher" is given in Appendix A.)

- After the first day of the 2002–2003 school year, any teacher hired to teach in a program supported with Title I funds must meet the definition of highly qualified. Though not yet certain, since ED might regulate on this issue, it appears that, in regard to school-wide programs, this requirement will apply to all teachers in the school.

- The state plan must include annual measurable objectives for each school district that, at a minimum, contain an annual increase in the percentage of highly qualified teachers in each district and an increase in the percentage of teachers receiving high-quality professional development. The annual increases in the percentage of highly qualified teachers shall be tied to the requirement that all teachers meet this standard by the end of the 2005–2006 school year.

School districts must use at least 5 percent of their Title I, Part A, funds to help teachers become highly qualified.

- Local districts will develop plans to ensure that all teachers are highly qualified by the end of the 2005–2006 school year and, beginning with the 2002–2003 school year, to publicly report on the progress of the district and each school toward meeting that goal.

- School districts must use at least 5 percent of their Title I, Part A, funds to help teachers become highly qualified.

- The state will monitor progress of districts in meeting these requirements, including progress toward meeting the deadline for having all teachers highly qualified. The NCLBA provides that if a district fails to meet its objectives for two consecutive years, it must develop an improvement plan, with the state providing assistance in the development and implementation of the plan.

- If a district fails to meet its objectives regarding teacher quality for three consecutive years, and also fails to make adequate yearly progress during the same period, the district must enter into an agreement of improvement with the state. This agreement includes attention to professional development, and generally prohibits the districts from hiring any additional paraprofessionals with Title I funds.

One of the ways teachers can demonstrate competence in academic areas is through passing a rigorous state test in those areas. The NCLBA does not further define what is meant by a rigorous state test, though the U.S. Department of Education might do so in regulations or in guidance they issue on the topic. States must be certain they have tests that meet the definition in the act and be prepared to administer them. As previously noted, the requirement will apply to teachers hired after the first day of school of the 2002–2003 school year and teachers in programs supported with Title I funds.

Note that the accountability requirements appear in Section 1119 of Title I and in Subpart 4 to Title II. They must be read together to gain a full understanding of the provisions. The reference to highly qualified teachers in Title I schools is in the Title I section of the act, while the discussion of the state plan is in Title II. Note also that not all of these requirements apply to charter schools.

Meeting the ESEA Teacher Quality Requirements in the SEDL Region

REQUIREMENT	ARKANSAS	LOUISIANA	NEW MEXICO	OKLAHOMA	TEXAS
Requires elementary teachers to pass a basic skills test in reading, writing, and math	Yes	Yes	Yes	Yes	Requires applicants to pass a test in reading, writing, and math prior to admission to state teacher preparation programs
Requires elementary teachers to pass a "knowledge of teaching" test	Yes	Yes	Yes	Yes	Yes
Requires middle school and high school teachers to pass a subject-area test	Yes	Yes		Yes	Yes
Requires middle school, junior high, or high school teachers to hold a subject-area major					
For all grade levels, requires a subject-area major rather than an education major					Yes

Source: Education Commission of the States, *No State Left Behind: The Challenges and Opportunities of ESEA 2001*, February 2002.

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Title II Grants to States

Title II essentially combines the former Eisenhower Professional Development and the Class Size Reduction programs and provides districts with more flexibility in the use of funds. States receive allocations from ED and retain 2.5 percent for administration and for a broad range of activities related to improved quality of teachers and principals in the state. Given the limited amount of funds states are able to retain and that some funds will be needed for administration, little will remain for other state-level activities. Ninety-five percent of the funds are allocated to local school districts, with the remaining 2.5 percent reserved for higher education partnerships.

Title II essentially combines the former Eisenhower Professional Development and the Class Size Reduction programs and provides districts with more flexibility in the use of funds.

Local districts may use the funds for 10 specified activities, some of which include recruiting, hiring, and retaining highly qualified teachers and principals; testing teachers in their subject areas; providing professional development; offering programs for exemplary teachers; providing merit pay; developing teacher advancement plans; and reforming tenure systems.

Districts must spend funds on schools that have the lowest percentage of highly qualified teachers, have the highest class size, or are identified for improvement under Title I. The act specifies that states and districts may choose to carry out these activities on their own or with the assistance of grants and contracts with for-profit and nonprofit entities.

While complying with the provisions regarding highly qualified teachers will be difficult for states and school districts, Title II funds, combined with those available for this purpose under Title I, provide support. In addition, funds from other programs, such as Comprehensive School Reform and State and Local Technology Grants, support professional development. States and districts should think of these funds in a coherent way and approach professional development as a single set of activities funded from several federal, state, and local sources.

Increased Options for Parents

Title I

The No Child Left Behind Act provides options for students attending schools or in districts identified for school improvement or corrective actions. Many were mentioned earlier in this paper in the discussion of accountability.

- Children in schools identified for school improvement (i.e., failing to make adequate yearly progress for two consecutive years) must be offered the opportunity to attend other schools in the district, with transportation provided using Title I funds. This includes public charter schools, as long as this is consistent with state law. This alternative is not entirely new because the provision to attend other schools has been included in the appropriation for Title I in the past. This is the first time it has been included in Title I law, however, and with a specific amount of Title I funds set aside to provide transportation.

- Students attending schools in school districts identified by the state as in need of corrective action (i.e., school districts failing to make adequate yearly progress for two additional consecutive years after having been identified as districts in need of improvement) may be offered the opportunity to attend other, higher-performing schools in other districts, with transportation costs provided.

- Students attending schools identified for school improvement (i.e., schools failing to make adequate yearly progress for two consecutive years, including those in districts not identified as in need of improvement, but still failing to make adequate yearly progress) must be offered the opportunity to obtain supplemental educational services from a state-approved provider that can demonstrate effectiveness. Parents must be informed of this option, provided a list of eligible providers, and, if they request it, provided assistance in choosing a provider. For schools identified for improvement for two or more consecutive years under the previous ESEA, this provision takes place in September 2002.

- There are extensive provisions for notification of parents. These provisions are intended to help parents make sound choices about the education of their children. They include making more information available to parents on the status of schools and school districts and on how well the school their child attends is performing relative to other schools in the district and to the state as a whole. The new provisions regarding public reporting of teacher quality, both in the required progress reports on this issue as well as in district report cards, will provide information not always available in the past.

Provisions regarding notification of parents include making information available on the status of schools and school districts and on how well their child's school is performing relative to other schools in the district and the state.

Title V

Title V of the No Child Left Behind Act includes a voluntary public school choice program. This program, if supported, will provide grants to state and local educational agencies or those agencies in partnership with other public, for-profit or nonprofit agencies. Funds will be used to pay for transportation costs and may be used for other costs reasonably necessary to implement the program. The program was not funded in the 2002 appropriation, but the administration has requested $25 million for it in its 2003 budget.

Consolidation and Flexibility

There are several areas in which the No Child Left Behind Act provides additional flexibility in program implementation. These are in addition to the flexibility for states and districts regarding waivers in the existing law.

Consolidation of Programs

While the NCLBA does not contain a great deal of consolidation (much of what has been called consolidation is more a rearrangement of programs into new groups), some significant changes provide more flexibility.

- The new Title II, Part A, Teacher Quality, essentially consolidates the Eisenhower Professional Development Program with the Class Size Reduction Program. The NCLBA allows the combined funds to be used for either purpose. Districts may tailor their teacher-quality program to local needs. This consolidation provides a significantly larger dollar base, along with an increase in appropriation above what the two programs previously received. This is especially true in the area of professional development, since for many districts the amount of funds the Eisenhower Program provided was insufficient to support substantial professional development efforts. Therefore, this consolidation both increases the amount of funds available to improve teacher (and principal) quality and provides more flexibility in the use of those funds.

- Title II, Part D, consolidates the previous Technology Literacy Challenge Fund and National Challenge Grants for Technology into one state grant, the State and Local Technology Grant Program. Under previous law, the Challenge Fund was a state-administered program; whereas, the U.S. Department of Education administered National Challenge Grants. By combining the two programs, the act increases the amount of funds available to states for subgrants to districts and eliminates the problem of coordinating the two previous programs by administering the combined programs at the state level.

- Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement, consolidates previous bilingual and immigrant education programs into a formula-based state grant when the appropriation for Title III exceeds $650,000, which it did for fiscal year 2002. The federal funds that states receive (less some they may reserve for state use) will be allotted to districts on a formula basis. States and districts may, to some extent, tailor their programs to local conditions. Moreover, the formula nature of the program provides some funding stability.

The NCLBA increases flexibility for states and districts through new or enhanced provisions that allow program and fund consolidation.

Flexibility

The No Child Left Behind Act increases flexibility for states and districts through new or enhanced provisions that allow program and fund consolidation. These provisions offer varying levels of fund consolidation at state, local, and school levels and also contain a demonstration program for both states and local districts that allows for additional consolidation beyond that available to all states and districts.

For the state:

- The NCLBA allows states to transfer up to 50 percent of the funds they receive for state-level activities among five programs. These programs are the Teacher and Principal Training and Recruiting Fund (Title II, Part A), State and Local Technology Grants (Title II, Part D, Subpart 1), Safe and Drug-Free Schools and Communities (Title IV, Part A, Subpart 1), 21st Century Learning Centers (Title IV, Part B), and Innovative Programs

(Title V, Part A, formerly Title VI). In addition, states may transfer up to 50 percent of their funds from these programs into, but not out of, Title I programs. Note that the 50 percent applies to each program, not the total amount received for all programs and, at state level, only to funds the state may retain for state-level activities. They may not transfer funds that are to be awarded to school districts. That flexibility is left to the districts themselves (see below).

- Up to seven states and between four and 10 local districts in them may receive additional flexibility in their use of funds under a demonstration program on flexible fund use. This demonstration would allow consolidation of all (rather than 50 percent) of the funds states and participating local districts receive for certain programs. In addition to the programs listed above, the demonstration would also allow states to consolidate the state administration funds they receive for Title I and Reading First programs. States must apply to the U.S. Department of Education, and those selected will enter into performance agreements with ED. Likewise, participating local districts will enter into performance agreements with the state.

While the provision for school-wide program has been in effect since the 1994 reauthorization of the ESEA, many schools continue to think of school-wide programs only in regard to their Title I funds.

For the district:

- The poverty threshold for eligibility for school-wide program status under Title I, Part A, has been reduced from 50 percent to 40 percent. It is important to emphasize that once a school has received school-wide status, it may combine virtually all funds it receives into one school-wide program effort. While this provision has been in effect since the 1994 reauthorization of the ESEA, many schools continue to think of school-wide programs only in regard to their Title I funds. In part, this may be because the other funds the districts received, such as Eisenhower Professional Development, were not distributed to schools but used at the district level. Because of the relatively small amount of funds many programs provided to districts, distribution to schools did not make sense; the amount individual schools would receive would be insufficient to carry out a meaningful program. With the

consolidation of programs described above, that may no longer be the case. To increase their flexibility in fund use, schools and districts should carefully reexamine the school-wide program approach, especially as it relates to funds available from programs in addition to Title I.

- As with the state, all districts have the flexibility to transfer up to 50 percent of the funds they receive among certain programs. These programs are Teacher and Principal Training and Recruitment (Title II, Part A), Enhancing Education Through Technology (Title II, Part D), Safe and Drug-Free Schools (Title IV, Part A, Subpart 1), and Innovative Programs (Title V, Part A, formerly Title VI). Note that the 21st Century Learning Centers program is not included in the district-level consolidation. Since funds for this program may go to other entities, alone or in a consortium with local districts, consolidating funds at the local level by an individual district does not fit. As with state level, funds from the eligible programs may also be transferred into, but not out of, Title I programs.

- As described above, selected districts in states chosen for the demonstration program may transfer all funds received for certain programs among one another. The programs are the same as those included in the 50 percent flexibility described in the previous bullet. These districts must enter into performance agreements with their respective states.

- In addition to districts in the demonstration states, ED may select districts in other states for participation in the effort. Up to 80 districts, with no more than three in any one state, may be selected. Districts seeking participation must apply directly to ED.

Up to 80 districts, with no more than three in any one state, may be selected. Districts seeking participation must apply directly to ED.

Increased Attention to Literacy

The increased attention to literacy is apparent both in the No Child Left Behind Act as well as in the appropriation levels for programs focused on this topic.

First, as in the past, the assessment accountability provisions in Title I are tied to reading/language arts and mathematics. However, expanding testing requirements to include all children in grades 3 through 8 and requiring that results of state assessments be benchmarked against National Assessment of Educational Progress (NAEP) results for the state to ensure rigor are examples of more attention to literacy. In addition, the requirement that limited-English-proficient children be tested for knowledge of the English language shows more emphasis on English, as does the new name for the program directed at these children: the English Language Acquisition, Language Enhancement, and Academic Act. This new name signifies the primary intent of this program—to develop proficiency in English.

More importantly, Part B of Title I, Student Reading Skills Improvement Grants, makes very clear a major thrust of the new ESEA. Part B contains three programs: Reading First, a revamped edition of the Reading Education Act; Early Reading First, a new program to support early literacy activities for children ages 3 to 5; and a continuation of the Even Start program, which also addresses the literacy needs of young children, as well as those of adults.

Reading First

Reading First is a state-operated program with funds distributed to states on a poverty-based formula. States may retain up to 20 percent of the funds they receive for providing professional development for teachers in grades K through 3, providing technical assistance to schools, administering the program, and providing reading instruction from alternative providers chosen by parents. The remaining funds will be awarded in the form of five-year grants to local districts on a competitive basis. States must grant priority to districts with at least 15 percent or 6,500 children from families in poverty. Districts may serve only schools having a high number or percentage of children in grades K through 3 below the poverty level and identified for school improvement.

With Reading First funds, districts may serve only schools having a high number or percentage of children in grades K through 3 below the poverty level and identified for school improvement.

The status of Reading First as a formula-driven program, its connection to school improvement, and the five-year grants, give states and funded districts a solid opportunity to build a coherent reading instruction strategy for low-performing schools, using funds from Reading First, Title I, and other sources in a coherent manner.

For the 2002–2003 school year, Reading First is funded at $900 million, compared to the $286 million Reading Excellence received for the 2001–2002 school year. The request for the 2003–2004 school year is $1 billion. The significant increase in funding, both received and requested for next year, exemplifies the increased attention to literacy.

Early Reading First

Early Reading First is a new program included in the No Child Left Behind Act. Because many providers of early childhood education are not local districts, both local districts and public and private organizations serving children ages 3 to 5 (such as Head Start) may apply. Unlike Reading First, Early Reading First is administered by the U.S. Department of Education. Funds may be used for several activities related to early literacy. The appropriation for the 2002–2003 school year is $75 million. The administration has requested the same amount for the 2003–2004 school year.

Even Start

Even Start is a long-standing family literacy program that seeks to provide early literacy to children while also teaching literacy and parenting skills to parents and other caregivers. Like Reading First, it is a state-administered program. Local districts in partnership with other public or private agencies may apply for grants. New to the program is the inclusion of requirements related to the qualifications of persons providing academic instruction. While differing somewhat from the teacher requirements described in the program, the approach is consistent with improving teacher quality as a main theme of the No Child Left Behind Act. The blending of these programs into one overall coherent strategy presents a challenge to states and local districts, though, as noted earlier, state administration of many of them should help in this regard.

Scientifically Based Research

As noted in the introduction, the term "scientifically based research" appears repeatedly throughout the NCLBA. The idea that instructional programs, professional development, and other activities should be based on research is not new. Reference to a research base was included in the 1994 amendments and in the Goals 2000: Educate America Act and, more pointedly, included in the original Comprehensive School Reform Demonstration legislation. Even when not specifically referenced, it was understood that programs implemented to help children learn would have some research base and track record of success. However, the NCLBA goes well beyond previous references and understandings based, in part, on use of research that lacked rigor to support programs, instructional approaches, and professional development activities. This tightening of the research base requirement at least partially reflects dissatisfaction with adherence to earlier, less specific requirements.

To ensure that the U.S. Department of Education, states, districts, and schools understand what is meant by scientifically based research, Congress has defined the term in the law (the full definition is given in Appendix B). In general, the definition:

- substantially strengthens reliance on rigorous, systematic, and objective research;
- calls for experimental or quasi-experimental design, with a preference for random assignment;

- requires that research provide sufficient detail to allow for replication; and
- requires that research has been accepted by a peer-reviewed journal or has otherwise been approved by a panel of experts.

This level of rigor in research has not been customary in education, especially the use of random assignment of students (or schools) to treatment and control groups for the purpose of experimentation. In addition, when previous models used matched students or schools as controls, they did not always match on all the most important variables, which reduced the rigor of the research. Therefore, many of the instructional approaches now in use lack the research base to fully meet this definition. For example, in 1999, the American Institutes for Research, under contract with several education associations, examined 24 whole-school reform models in terms of their research base. Of the 24, only three had strong evidence of effectiveness, with five additional models showing promising evidence. Furthermore, the review did not require random assignment as a basis for determination. If it had, none of the models would have scored high. This does not necessarily mean that the models are not effective, but rather that they did not have the research to back up their claims of effectiveness.

States must determine how they will ascertain that programs covered by the NCLBA are using scientifically based models and approaches.

Because the U.S. Department of Education has not yet issued regulations or guidance concerning this provision, it is not entirely clear what the implications for states and districts will be. However, some activities should be carried out:

For the states:

- Review school reform models and instructional programs to learn about their research base. States should pay particular attention to programs they may have endorsed or otherwise promoted.
- Establish procedures to determine how they will ascertain that programs covered by the legislation (especially Title I and Comprehensive School Reform) are using models and instructional approaches that meet the definition. Final action might not

occur until the U.S. Department of Education has issued regulations or guidance on the topic.

- Utilize the services and publications of the regional laboratories and the federally funded centers for assistance and information.
- Follow the progress of a new clearinghouse on scientifically based research that ED will shortly fund. This should be a good information source.

For local districts:

- Review current programs in light of the new definition to see how they comply. For purchased programs or models, districts must contact vendors to gain information on their research bases (look for external, rather than internal, research).
- Gather information on new approaches to school reform that have stronger research bases.

Conclusion

This paper primarily discusses some of the main challenges states, districts, and schools face in implementing the provisions of the NCLBA. However, in facing these challenges, we should not lose sight of its promise. In many ways, it is the culmination of a journey that began with the initial passage of the ESEA in 1964.

The initial passage of the ESEA recognized that children in high-poverty schools were doing poorly academically and that, in order to improve that performance, more funds had to be made available to those schools. Later, extra funds for migrant children and children with limited English proficiency were added to the act. The early focus of the ESEA, especially of Title I, was to get more funds to high-poverty schools. The basis for doing this was to distribute federal money to those schools, while requiring that the schools receive their fair share of state and local funds **(Comparability)** and that federal funds be used to provide additional services to the lowest performing children in those schools **(Supplement, not Supplant)**. In addition, to ensure that districts did not use federal money to replace state and local funds, districts were required to continue to fund schools at the same level they did before the infusion of federal money **(Maintenance of Effort)**. For several years, these three provisions—Comparability, Supplement, not Supplant, and Maintenance of Effort—were the cornerstones of the Title I effort to improve performance of children in high-poverty schools. At the federal level, little attention was paid to the educational program of the school or to the type of extra educational services that were provided with

Title I money. Rather, compliance with the requirements was the focus, with the belief that, if the provisions were adhered to, academic performance would rise. And, for a while, it did.

However, in the 1990s, gains made by children in high-poverty schools leveled off, and the advances made in closing the achievement gap between minority and non-minority students stalled. This caused greater attention at the federal level to be placed on the educational programs provided to children and, most particularly, how the programs offered to children in high-poverty schools differed from those provided to children in other schools. It became apparent that merely providing extra services to children in high-poverty schools, regardless of how good those services might be, was insufficient to overcome problems caused by weak basic instructional programs and other education deficits that surrounded these children. Beginning in 1988, Title I focused on the entire instructional program in high-poverty schools through a school-wide rather than special services approach. This trend continued in the 1994 reauthorization of the ESEA and in the NCLBA.

By setting a certain date when all children will reach adequate performance standards, NCLBA moves aside the small, incremental gains we have achieved so far and replaces them with a call to do far better.

In addition, it also became clear that the incremental gains that Title I provided in the early years were too little to result in all children in these schools receiving an education equal to that of children in more advantaged schools. Attention must be paid to the quality of the instructional program and accountability for results built into the act. Some progress was made in these two areas in the 1994 reauthorization, and the current NCLBA has further pushed the envelope.

So, we face not just challenges brought by the NCLBA, but the challenge to educate every child to an adequate level of performance. The No Child Left Behind Act is a tool to help us do that. By setting a certain date when all children will reach adequate performance standards, the act moves aside the small, incremental gains we have achieved so far and replaces them with a call to do far better.

With its focus on Teacher and Principal Quality, the NCLBA recognizes the centrality of professional educators in achieving its lofty goal and the need to get the very best professional staff in our most needy schools.

With its attention to literacy, the NCLBA squarely confronts what has been the main obstacle to high levels of achievement for many children.

Finally, with its increased flexibility for states, districts, and schools, the NCLBA calls for many decisions to be made at those levels.

So, the changes really provide states, districts, and schools with increased help in their efforts to improve the education of children in our most needy schools. Clearly, meeting some of the goals set out in the NCLBA will be difficult, and some have criticized the act as being too ambitious. However, it seems previous attempts to provide a high-quality education for all children have lacked sufficient ambition.

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[1] The requirements for states to implement systems of standards, assessments, and accountability were a central feature of the 1994 ESEA reauthorization. States had little difficulty complying with the requirements to adopt content standards in reading and mathematics although the standards vary in rigor and clarity. States have had more problems in complying with the 1994 requirements for aligned assessments—full compliance required significant changes in test design, administration, and reporting. Meeting these requirements meant many states had to shift from norm-referenced to standards-based assessments and had to end the practice of excluding students with disabilities and students with limited English proficiency from state testing and accountability programs. For more discussion see http://www.edexcellence.net/NCLBconference/Cohen.pdf.

[2] For more information on science standards, see the following Web pages:
Arkansas http://arkedu.state.ar.us/curriculum/benchmarks.html#Science
Louisiana http://www.doe.state.la.us/doe/publications/contents/scframe.htm
New Mexico http://www.cesdp.nmhu.edu/standards/content/science/index.htm
Oklahoma http://www.sde.state.ok.us/acrob/pass/science.pdf
Texas http://www.tea.state.tx.us/rules/tac/ch112toc.html

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Appendix A – Definition of "Highly Qualified Teacher"

According to the Education Commission of the States report, "No State Left Behind: The Challenges and Opportunities of ESEA 2001," the term "highly qualified teacher" means:

- Public elementary and secondary teachers must be fully licensed or certified by the state and must not have had any certification or licensure requirements waived on an emergency, temporary, or provisional basis.**
- New public elementary school teachers must have at least a bachelor's degree and pass a state test demonstrating subject knowledge and teaching skills in reading, writing, mathematics, and other areas of any basic elementary school curriculum.
- New middle or secondary school teachers must have at least a bachelor's degree and demonstrate competency in each of the academic subjects taught, or complete an academic major or coursework equivalent to a major, a graduate degree, or advanced certification.
- Existing public elementary, middle, and secondary teachers must have at least a bachelor's degree and meet the requirements described above, or demonstrate competency in all subjects taught. A state evaluation standard will be used to judge competency. The evaluation standard must provide objective information about the teacher's knowledge in the subject taught and can consider, but not use as a primary criterion, time spent teaching the subject. (Title IX, Part A, Sec. 9101)

A teacher does not have to attain the highest level of certification to be considered "highly qualified." Initially licensed or certified teachers may also meet the requirements. Someone teaching a subject for which she or he has not demonstrated subject-matter competency, regardless of whether that teacher is fully certified, would not be considered "highly qualified."

Under most circumstances, teachers who participate in alternative-certification programs, and who meet the above requirements, would be considered "highly qualified."

** Note that, in some states, the term "provisional" is used to describe entry-level (though fully certified) teachers–not teachers who do not yet have licenses. It is important to distinguish among (1) "provisional" licenses that allow employees to begin teaching while they pursue the requirements for certification or licensure, (2) licenses that make accommodation for certified teachers entering from other states who need to meet several additional state requirements, and (3) licenses designated "provisional" in the certificate title to denote entry-level teachers who have met all certification requirements.

Appendix B – Definition of "Scientifically Based Research"

According to Section 9101 of the No Child Left Behind Act, the term "scientifically based research" means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. It includes research that:

- employs systematic, empirical methods that draw on observation or experiment;
- involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
- has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

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